

remain in charge of the papers and documents of the Senate, for two weeks after the final adjournment of the present Legislature, for the purpose of arranging and filing them properly; and that he deliver them to the person authorized by law to receive them; also, that he be allowed the same per diem pay for his services that is allowed by law for the per diem pay of the Clerks of the present Legislature, and that the same be paid out of the contingent fund of the present session.

On motion of Mr. Gage,

The resolution was laid upon the table until Monday next.

On motion of Mr. Gage,

The Senate adjourned until 8 o'clock, monday morning.

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Monday, 8 o'clock, A. M.  
March 20th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names :

Messrs. Abbott, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace and Williamson.

Quorum present.

The Journal of Saturday was read and adopted.

Mr. Jewett made the following report.

The committee of conference on part of both Houses, to whom was referred the substitute of the House for the Senate's bill in relation to a line of posts on the frontier, and intercourse with the Indians, have met and conferred upon the matters submitted, and recommend the adoption of the following Joint

Resolution as a substitute for the bills both of the Senate and of the House.

HENRY J. JEWETT,  
Chairman on part of Senate.

J. B. ROBERTSON,  
Chairman on part of the House.

Joint Resolution instructing our Senators and requesting our Representatives to procure the passage of an act of Congress concerning military posts on the frontier, and relative to intercourse with Indians.

On motion of Mr. Jewett,

The report and resolution were adopted.

Mr. Abbott, Chairman of the committee on Enrolled Bills, reported the following bills, correctly enrolled, viz:

An act creating the county of Cooke, in honor of William G. Cooke.

An act to provide for the enumeration of the inhabitants of the State of Texas for the year 1848.

An act to create the county of Van Zandt.

An act to repeal the 11th section of an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved February 4th, 1841.

An act to provide for fixing the seat of Justice of the county of Dallas.

An act regulating fees to be charged by the Secretary of State, Commissioner of the General Land Office, Comptroller, Treasurer and Adjutant General: and

Joint Resolution, requesting John C. Watrous to resign his office of Judge of the United States District Court, for the district of Texas.



And that said acts and Joint Resolution were transmitted to the Governor on the 20th inst., for approval.

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Mr. Grimes, Chairman of the committee on Finance to whom was referred, Joint Resolution requiring all books, records and papers in the late Auditor's office to be transferred to the office of the Comptroller of public Accounts reported the same back to the Senate for their action.

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Mr. Cuny made the following report.

The committee on contingent expenses of the two Houses of the Legislature to whom was referred a resolution requiring said committee to contract with some suitable person to take charge of the Capitol and the furniture thereof, beg leave to report, that they have contracted with Thomas Ward, for the sum of one hundred dollars, for the term of two years.

PHIL. M. CUNY,  
Chairman on part of Senate.

JAMES L. ALLEN,  
Chairman on part of House.

Which report was adopted.

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On motion of Mr. Fitzgerald.

A bill to be entitled an act to incorporate the Goliad Statistical Society was taken up, and

Read first time.

On motion of Mr. Fitzgerald,

The rule was suspended, and bill read second time.

Mr. Fitzgerald moved to amend by striking out all after "dollars" in first line before the last.

Adopted.

And bill passed to a third reading.

On motion of Mr. Fitzgerald, the rule was suspended,

Bill read third time, and passed by the following vote.

YEAS—Messrs. Abbott, Bourland, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace and Williamson—16.

NAYS—None.

On motion of Mr. Bourland,

A bill to be entitled an act to authorize and require the Governor to employ counsel to represent the State, in suits and actions, wherein the State may be interested, that may be taken to the Supreme Court of the United States was taken up, And read first time.

On motion of Mr. Jewett, the rule was suspended, And bill read second time.

Mr. Jewett moved to amend by inserting after "Governor" the words "and after such services have been rendered."

Adopted.

Mr. Gage moved to amend by striking out "ten leagues of land."

Upon which the yeas and nays were called and stood thus:

Yeas—Messrs. Brashear, Burleson, Clark, Gage, Jewett, McRae, Navarro, Parker, Perkins, Wallace and Williamson—11.

Nays—Messrs. Abbott, Bourland, Cuny, Dancy and Fitzgerald—5.

So the amendment was adopted.

Mr. Gage moved to amend by striking out "two" before "thousand" and inserting "four."

Adopted.

Mr. Gage moved to amend by striking out all in second section after "on the" in the 7th line from the bottom, and inserting "Treasurer."

Adopted.

The bill then passed to a third reading.

On motion Mr. Bourland the rule was suspended:

Bill read third time and passed.

A message was received from the House of Representatives, informing the Senate, that the House had passed a bill to be entitled an act to incorporate the town of Jefferson.

On motion of Mr. Perkins,



Joint Resolution authorizing the Commissioner of the General Land Office to issue a patent to Edward Hall was taken up:  
Read and passed to a third reading.

On motion of Mr. Perkins,

The rule was suspended, read third time and passed.

—

Mr. Cuny, Chairman of the committee on Contingent Expenses, made the following report.

The committee on Contingent Expenses to whom was referred a resolution of the Senate to contract for the printing 1100 copies of the captions of the laws of the present session of the Legislature, submit the following report.

That they have contracted with the proprietors of the Texas Democrat, for the number called for by the resolution, at the price of forty dollars, for the whole number, to be delivered to the members of the Senate, by to-morrow, the 21st inst., by 12 o'clock, M.

—

Mr. Parker, Chairman of the committee on Claims and Accounts, to whom was referred,

Joint Resolution for the relief of the heirs of Lieut. J. P. Lansing, deceased, returned the same for the action of the Senate.

A message was received from the House of Representatives informing the Senate that the House had passed a bill to be entitled an act supplementary to an act for the further organization of Henderson County, approved March 14th, 1848.

—

Mr. Jewett made the following report.

*To the President of the Senate :*

*and Speaker of the House of Representatives.*

The committee of conference on the part of the Senate and House to whom was referred the substitute of the Senate, for

a bill from the House to provide for the ascertainment and adjustment of the liabilities of the late Republic of Texas, have conferred upon the matters submitted to them, and with an additional section to the Senate's substitute. They recommend the adoption thereof, and the passage of the bill.

HENRY J. JEWET,

Chairman on part of Senate.

W. H. BOURLAND,

Chairman on part of House.

Which report was adopted.

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A message was received from the House of Representatives, informing the Senate, that the House had adopted thereport of the committee of conference on a bill to provide for the ascertainment and adjustment of the liabilities of the Republic of Texas.

Also, that the House had adopted the report of the committee of conference on a bill to be entitled an act to establish the county seat of Cameron county.

And that the House had passed a bill to be entitled an act concerning crimes and punishments, with amendments.

---

Mr. Fitzgerald made the following report.

The committee of conference to whom was referred, a bill to be entitled an act to establish the county seat of Cameron county, have had the same under consideration, and have agreed to disagree on the amendments of the Senate, and have instructed the undersigned to report the bill and amendments back to the House and ask to be discharged from the further consideration of the subject.

EDWARD FITZGERALD,

Chairman on part of Senate.

BENJ. F. NEAL,

Chairman on part of House.



A message was received from the House of Representatives, informing the Senate, that the House refused to concur in the following amendments of the Senate to a bill to be entitled an act making appropriations for the support of the government for the years 1848 and 1849. viz:

In 14th line, 1st section, strike out "twelve" and insert "fifteen."

In 22d line, same section strike out "twelve" and insert "fifteen."

At the end of the second section add, "for compensation of the late Auditor Charles Mason, for taking care of office and for occasional reference to record and papers therein, during the years 1846 and 1847, nine hundred and eighty four dollars."

"For surveying fees due on land scrip already surveyed, four hundred and fifty dollars."

Also, that the House had passed a bill which originated in the Senate, to be entitled an act to provide for vesting in the State escheated property.

Also, that they had passed a bill to be entitled an act supplementary to an act to organize Justice's Courts, and define the powers and jurisdiction of the same, approved 20th March, 1848.

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Mr. Cuny, Chairman of the select committee to whom was referred,

A bill to be entitled an act to suppress illegal banking, reported the same back to the Senate without amendment, and recommended its passage.

---

On motion of Mr. Gage,

A bill to be entitled an act to regulate proceedings in the County Courts, relating to guardians and wards.

Was taken up.

Mr. Jewett moved to amend by striking out the seventh section.

Rejected.

Mr. Jewett moved to amend the 25th section by striking out all after the word "interest," in ninth line, to the word "every" in 13th line.

Adopted.

On motion of Mr. Jewett,

The bill was laid upon the table until 2 o'clock, p. m.

On motion of Mr. Dancy,

A bill to be entitled an act concerning crimes and punishments, was taken up, and the amendments of the House concurred in.

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Mr. Clark, Chairman of the committee on the Judiciary, to whom was referred,

A bill to be entitled an act to incorporate the town of Indian Point, returned the same for the action of the Senate.

---

Mr. Clark, Chairman of the committee on the Judiciary, made the following report:

The majority of the Judiciary committee having considered "A bill to authorize the Commissioner of the General Land Office of the State of Texas, to issue patents to the different counties in the State for school purposes," have instructed me to report, that they see no necessity for the passage of the bill, since under the constitution a patent would be of no use to the counties. They are apprehensive, also, that the passage of the bill would give rise to confusion, as the counties to which lands were given have been sub-divided by the Legislature.

The bill is herewith returned for the consideration and action of the Senate.

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On motion of Mr. Gage,

A bill to be entitled an act making appropriations for the support of the Government for the years 1848 and 1849, was taken up.



On motion of Mr. Clark,

The Senate receded from their amendments increasing the salaries of Comptroller and Treasurer, from \$1200 to \$1500 per annum.

On motion of Mr. Gage,

The Senate receded from their amendment, appropriating nine hundred and eighty four dollars for compensation of late Auditor for taking care of the records of the office, &c.

On motion of Mr. Dancy,

The Senate insisted on their amendment appropriating four hundred and fifty dollars for surveying fees on land scrip already surveyed, and appointed a committee of conference on the same.

Messrs. Dancy, Fitzgerald and Brashear were appointed said committee.

On motion of Mr. Cuny,

A bill to be entitled an act to suppress illegal banking was taken up.

Read and passed to a third reading.

And on motion of Mr. Cuny,

The rule was suspended,

Bill read third time and passed.

Mr. Parker offered the following resolution.

*Resolved*, That the Secretary of the Senate be authorized to employ any additional services as Clerks, he may deem proper for the remainder of the session, to be paid the per diem pay allowed by law out of the contingent fund.

Adopted.

On motion of Mr. Abbott,

A bill to be entitled an act requiring the counties of Polk and Tyler to pay a portion of the debt of Liberty county from which they were taken, was taken up: and,

Read first time.

On motion of Mr. Abbott,

The rule was suspended:

Bill read second time and passed to a third reading.

On motion of Mr. Abbott,

The rule was further suspended;

Bill read third time and passed.



A message was received from the House of Representatives informing the Senate, that the House had passed.

A bill to be entitled an act to provide for removing the Supreme Court to the town of Huntsville.

And a bill to be entitled an act to authorize Robert H. Porter to construct a turn pike road and establish a ferry on the Trinty river at Porter's Bluffs.

Also, that the House had concurred in the amendments of the Senate, to a bill to be entitled an act to authorize the Governor to employ counsel to represent the State in suits and actions wherein the State may be interested, that may be taken to the Supreme Court of the United States.

Also, that the House had adopted the report of the committee of conference on Joint Resolution instructing our Senators and requesting our Representatives to procure the passage of an act of Congress concerning the establishment of a temporary line of military posts, and relative to trade and intercourse with Indians.

Also, that the House had passed a Joint Resolution, granting leave of absence to James B. Shaw, Comptroller of Public Accounts, for six weeks, during the year 1848.

On motion of Mr. Clark,

A bill to be entitled an act regulating fees of office was taken up, and together with the report of the committee on the Judiciary offering amendments, was read, and the 1st, 3rd and 4th amendments offered by the committee, were adopted.

The yeas and nays were called on the adoption of the 2nd amendment offered by the committee and stood thus.

Yeas—Messrs. Abbott, Bourland, Clark, Grimes, Jewett, Fitzgerald and McRae—7.

Nays—Messrs. Brashear, Burleson, Cuny, Dancy, Gage, Navarro, Parker, Perkins and Wallace—9.

So the amendment was rejected.

Mr. Clark offered the following amendments.

In sec. 4, line 5, "for entering each rule or motion 50 cents.

Ninth line, "for entering each continuance 50 cents."

In same line, "for entering final judgment \$1.50.

In 15th line, "for making out copies, &c.," 20 cents for 100 words.



In 16th line, "for recording opinions, 20 cents 100 words."  
All of which were rejected.

Mr. Clark moved to amend the 13th section by striking out \$2.00 and inserting \$3.00

Upon the adoption of which the yeas and nays were called and stood thus:

YEAS—Messrs. Bourland, Brashear, Burleson, Clark, Dancy, Grimes, Jewett, Fitzgerald, McRae and Perkins—10.

NAYS—Messrs. Abbott, Gage, Navarro, Parker and Wallace—5.

So the amendment was adopted.

The bill then passed to a third reading.

On motion of Mr. Gage,

The rule was suspended.

Bill read third time and passed.

On motion of Mr. Parker, joint resolution for the relief of Allen Kellough, was taken up and read first time, and

On motion of Mr. Parker, the rule was suspended.

Read second time and passed to a third reading.

On motion of Mr. Parker, the rule was further suspended.

Read third time and passed.

On motion of Mr. Gage, a bill to be entitled an act supplementary to an act, for the further organization of Henderson county, approved March 14th, 1848, was taken up and read first time, and

On motion of Mr. Gage, the rule was suspended.

Bill read second time and passed to a third reading.

On motion of Mr. Gage, the rule was farther suspended.

On motion of Mr. Bourland, the Senate adjourned until 2 o'clock, P. M.

—  
2 o'clock, p. m.

Senate met—roll called—quorum present.

Mr. Cuny made the following report:

*To the President of the Senate, and*

*Speaker of the House of Representatives:*

The select committee of the two houses of the Legislature,



to whom was referred a resolution of the Legislature to draft a memorial to the Congress of the United States, setting forth the claims of the citizens of Texas for remuneration for the injuries done their property by the armies of Mexico during the revolution, and praying that honorable body to cause a stipulation to that effect, to be inserted in the treaty of peace hereafter to be made between the two governments, beg leave to present herewith, for the action and consideration of the Legislature, the accompanying memorial and resolution.

PHIL. M. CUNY,

Chairman on the part of the Senate.

W. H. CRUTCHER,

Chairman on the part of the House.

—

### MEMORIAL.

*To His Excellency, the President of the United States:*

The Memorial of the Legislature of the State of Texas, in behalf of sundry citizens whose property was destroyed by the armies of Mexico, during the revolution.

Your memorialists would most respectfully represent unto your Excellency: That, as might have been anticipated, the calamities of the Texian revolution fell unequally upon particular individuals, and the most exposed sections of the country; that in the line of March adopted by the Mexican armies in 1836, the property of every citizen was seized upon and appropriated by a rapacious soldiery, evincing at every step the wanton ruin incident to barbarian warfare. And after the capture of Santa Anna, and the defeat of his forces by the issue of the battle of San Jacinto, the Mexican government continued to carry on a still more barbarous and unjustifiable warfare, by making predatory incursions into the country. These incursions, consisting of frequent and unexpected irruptions, promiscuous plunder and rapid retreats, differed in no respect from those of the savage Indians by whom we were then surrounded. These had their origin in the basest conceivable motives, to wit: in the desire to gratify their revenge and their rapacity, motives which every civilized nation upon the globe



would be ashamed to avow. So unexpected were these descents, and so rapid their retreats, that it was impossible to prepare for their reception or to punish them for the numerous injuries which they wantonly inflicted.

The condition of Texas, at the time of annexation, was such as to leave no doubt of her ability to maintain her independence. This was not only conceded, but positively avowed on the part of the United States, during every stage of the negotiations, which preceded and led to annexation. It is further apparent, from the implied acknowledgment of Mexico herself, contained in her proffer to acknowledge our separate nationality; and hence it would be but reasonable to conclude, that Texas would ere long have been in a position to force from Mexico the acknowledgment of her independence, and to cause to be inserted, a stipulation in the treaty of peace providing for the full indemnity of her injured citizens. She divested herself of all these advantages and rights, when she surrendered her separate existence and became a member of the American Union. And since, so far as Texas is concerned, this may be regarded as the same unfinished war; since during its pendency, her sovereignty, in a national point of view, has merged in that of the United States. Since the latter has assumed the position of the former in relation to it, surely she should feel the same moral obligation resting upon her, to provide for the remuneration of those injured citizens, just as though the war had been carried on from its commencement by the Government of the United States. This, Texas would have had the power to do, and would have been in duty bound to do, had she terminated the war as a separate and independent nation. But the relations of Texas have so changed by annexation, that she can now make no treaty stipulations on the subject; and unless their remuneration is provided for by the government of the United States, they will never be remunerated at all. It would surely not be just, to leave unprovided for the meritorious claims of those citizens, who have been longest engaged in the war—who have shared its dangers and borne its calamities.

Aside, from these considerations, the inducements held out to Texas, and the obligations assumed on the part of the United States, continued by the correspondence during the pendency of the proffer for annexation, clearly show, that the rights and interests of the Texian sufferers will not be forgotten, nor regard-



ed with indifference by the Executive government of the Union, and especially by your Excellency. Taught by the pledges then given, that those rights would be held sacred and effectually protected, whenever the occasion might arise, your memorialists pray that Your Excellency will take into consideration the subject matter of this memorial, and cause its object to be carried out by proper provisions in the contemplated treaty with Mexico.

Resolved, by the Legislature of the State of Texas, That the Governor be, and he is hereby requested, to transmit copies of this memorial and resolution to the President of the United States, and to each of our Senators and Representatives in Congress.

The report and memorial were read and adopted.

Mr. Bourland introduced a joint resolution, authorizing M. M. Potter, to draw the mileage and per diem pay of the Hon. Richard Bache, Senator from Galveston, deceased.

Read first time.

On motion of Mr. Bourland, the rule was suspended.

Read second time and ordered to be engrossed.

On motion of Mr. Bourland,

The rule was further suspended.

Read third time and passed.

A message was received from the House of Representatives, informing the Senate that the House had passed a bill to be entitled an act supplementary to an act to provide for ascertaining the debt of the late Republic of Texas.

Also that the House had passed a substitute for

A bill to be entitled an act to define the boundaries of Travis county.

And had concurred in the amendments of the Senate to a bill to be entitled an act, regulating fees of office.

And in the amendment of the Senate to

A bill to be entitled an act to incorporate the Goliad statistical society.

Also, that the House had adopted a resolution that a joint committee be appointed to wait upon the Governor and inform



him that the Legislature is about to adjourn sine die, and enquire if he has any further communications to make previous to the adjournment.

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Mr. Gage, Chairman of the committee on counties and county boundaries to whom was referred,

A bill to be entitled an act supplementary to an act to incorporate the town of Refugio, returned the same to the Senate for their action.

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On motion of Mr. Fitzgerald,

A bill to be entitled an act supplementary to an act to incorporate the town of Refugio, was taken up.

Read and passed to a third reading.

And on motion of Mr. Fitzgerald,

The rule was suspended.

Bill read third time and passed.

On motion of Perkins,

A bill to be entitled an act to provide for the collection of the arrearages of taxes on property assessed under the laws of the late Republic of Texas, was taken up: and

On motion of Mr. Williamson,

Laid upon the table.

A message was received from the House of Representatives informing the Senate that the House had passed

Joint Resolution authorizing M. M. Potter to draw the mileage and per diem pay of the Hon. Richard Bache, Senator from Galveston, deceased.

Also that the House had adopted the report of the Joint committee appointed to draft a memorial to the Congress of the United States, setting forth the claims of the citizens of Texas, for remuneration, &c., for injuries done their property during the war with Mexico, &c.

Also that the House had adopted the report of the committee of conference on

A bill to be entitled an act making appropriations for the support of the Government for the years 1848 and 1849.



Mr. Dancy, chairman of the committee on State Affairs, made the following report:

The committee on Affairs of State to whom were referred A bill to be entitled an act to require the Governor, the Secretary of State and Attorney General to reside at the seat of Government."

"A bill entitled an act to provide a compensation for the owners of slaves, which shall be executed for capital offences."

"A bill to be entitled an act to amend the first, fourth and fifth sections of an act regulating estrays, approved December 22d, 1836."

A bill to be entitled an act to transfer and vest exclusively in the several District Courts of this State all the power of granting and issuing unconditional certificates for land, heretofore reposed in and legally exercised by the boards of Land Commissioners for the different counties of this State.

Also the report of a select committee appointed to examine into the condition of the Adjutant General's Office.

A message from the Governor in relation to Santa Fe.

And a Resolution with regard to slavery and abolition," and have instructed me to return the papers to the Senate recommend that they be laid on the table.

JON W. DANCY,  
Chairman.

On motion of Mr. Jewett,

A bill to be entitled an act to regulate proceedings of county Courts, relating to guardians and wards, was taken up.

Mr. Abbott moved to amend the 1st section, by striking out all after "be" in fourth line, and inserting "entitled to the guardianship of their minor children, and shall have the custody of their persons, education and estates: provided,

That if said estates are given to such minor children, by any other person than such parent, the father or mother entitled to such guardianship, shall file the inventory and bond and security hereinafter to be filed by other guardians."

Adopted.



On motion of Mr. Jewett, the seventh section was stricken out.

On motion of Mr. Jewett, the fifteenth section was stricken out.

Mr. Jewett moved to amend by addidg "not exceeding three days," where imprisonment occurs.

Adopted.

The bill then passed.

Mr. Abbott, Chairman of the committee on Enrolled Bills, reported correctly enrolled,

"An act to provide for vesting in the State escheated property."

"An act to incorporate the town of Jefferson."

And a Joint Resolution, instructing our Senators and requesting our Representatives to procure the passage of an act of Congress, concerning the establishment of a temporary line of military posts, and relative to trade and intercourse with Indians.

And that said acts and joint resolution were transmitted to the Governor on the 20th inst., for his approval.

A message was received from the House of Representatives informing the Senate that the House had concurred in all the amendments of the Senate to a bill to be entitled an act to regulate proceedings in the County Courts, relating to guardians and wards.

Mr. Dancy made the following report:

*To the President of the Senate, and  
Speaker of the House of Representatives:*

The committee of Conference, to whom was referred the bill making appropriations for the years 1848 and 1849, with an amendment made by the Senate, in which the House refuse to concur, and on which the Senate insist; after freely conferring thereon, have agreed as follows:

That the two Houses adopt the following substitute for the amendment of the Senate:

"For compensation of the late Auditor, Charles Mason, for taking care of office and for occasional reference to records



and papers therein, during the years 1846 and 1847, six hundred dollars. For compensation of Thomas Ward, for taking care of the capitol and furniture, until the next biennial session of the Legislature, one hundred dollars.

For compensation of the Comptroller for extra services in the discharge of the duties imposed on him in relation to the public debt of Texas, "three hundred dollars." All of which, we are instructed to report to the two Houses, and ask their concurrence therein.

JON W. DANCY,

Chairman on the part of the Senate.

BENJAMIN F. NEAL,

Chairman on the part of the House.

The yeas and nays were called on the adoption of the report and stood thus:

YEAS—Messrs. Abbott, Bourland, Brashear, Burleson, Dancy, Grimes, Jewett, Fitzgerald, McRae, Navarro, Perkins and Williamson—12.

NAYS—Messrs. Clark, Gage, Parker and Wallace—4.

So the report was adopted.

On motion of Mr. Burleson,

A bill to be entitled an act to define the boundaries of Travis county; was taken up and read.

Mr. Navarro moved to recommit the bill to the committee on Counties and County Boundaries.

Upon which, the yeas and nays were called, and stood as follows:

YEAS—Messrs. Gage, Grimes, Fitzgerald, McRae, Navarro, Perkins and Wallace—7.

NAYS—Messrs. Abbott, Bourland, Burleson, Cuny, Dancy, Jewett, Parker and Williamson—8.

So the motion was lost.

On motion of Mr. Burleson,

The substitute of the House for the bill was adopted.

On motion of Mr. Dancy,

Preamble and Resolution, relative to the Jurisdiction of the Territory of Santa Fe; was taken up and read, together with the report of the committee on State Affairs; offering amendments.

Report adopted.

And resolution passed to a third reading.



On motion of Mr. Dancy,

The rule was suspended; read third time and passed.

Messrs. Dancy and Jewett were appointed a committee on the part of the Senate, to wait upon the Governor and inform him that the Legislature is about to adjourn sine die, and enquire if he has any further communications to make previous to the adjournment.

On motion of Mr. Jewett,

A bill to be entitled an act to apportion the Senators and Representatives of the Legislature among the several counties of this State; was taken up.

On motion of Mr. Bourland,

A committee was appointed to wait on Mr. Williams, and receive his vote.

Messrs. Bourland and Wallace were appointed said committee.

On motion of Mr. Wallace,

The Senate adjourned until 7 o'clock, to-night.

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7 O'CLOCK, P. M.

Senate met; roll called; quorum present.

Question on the adoption of the substitute offered by Mr. Wallace, for a bill to be entitled an act to apportion the Senators and Representatives of the Legislature among the several counties of this State.

Upon which, the yeas and nays were called and stood thus:

YEAS—Messrs. Brashear, Cuny, Dancy, Gage, Grimes, McRae, Parker, Perkins, Wallace and Williamson—10.

NAYS—Messrs. Abbott, Bourland, Burleson, Clark, Jewett, Navarro and Williams—7.

So the substitute was adopted.

Mr. Clark moved to amend by striking out "Panola" from the 5th district.

Rejected.

Mr. Clark moved to amend by striking out "Harrison and Upshur," from the 6th district.

Division being called for, the President decided the motion was carried.



After which decision, the yeas and nays were called for.

The President decided the call out of order.

From which decision Mr. Gage appealed.

Upon which the yeas and nays were called, and stood thus:

YEAS—Messrs. Bourland, Burleson, Clark, Cuny, Grimes, Jewett, Fitzgerald, McRae, Navarro, Perkins, Wallace and Williamson—12.

NAYS—Messrs. Brashear, Dancy, Gage and Parker—4.

So the decision of the President was sustained.

On motion of Mr. Jewett, "Brazos" was inserted in the 15th section.

Mr. Cuny moved to strike out "LaVaca," in the 17th section.

Lost.

Mr. Gage offered the following as a substitute for the 22d district:

"The 22d district shall be composed of all the counties east, or attached to Senatorial districts east of Trinity river, and the Chief Justice of all the counties in said district shall make returns to the Chief Justice of Rusk County, whose duty it shall be to compare the votes, so returned, and give his certificate of election to the person receiving the highest number of such votes."

Mr. Dancy moved to strike out all that part of the section relating to floaters.

Mr. Perkins offered the following amendment:

Strike out all after the enacting clause and insert

"That the Senatorial districts, until otherwise provided by law, shall remain as provided for in the 32d section of the 3d article of the Legislative Department in the Constitution of the State, and that the Territory out of which new counties or parts of new counties have been created, at the present Legislature, shall be attached to the Senatorial district out of which such new counties were taken."

*"Be it further enacted,* That the apportionment of Representatives among the several counties, until otherwise provided by law, shall remain as provided for in the 30th section of article 3d, Legislative Department, in the Constitution of the State; and that the territory out of which new counties have been created at the past or present Legislature, shall be attached in Representation to the county, out of which such new county or part of new county was taken."



Upon the adoption of which, the yeas and nays were called, and stood thus:

YEAS—Messrs. Abbott, Burleson, Clark, Cuny, Dancy, Grimes, Jewett, McRae Navarro, Perkins and Williamson—11.

NAYS—Messrs. Bourland, Brashear, Gage, Fitzgerald, Parker and Wallace—6.

So the amendment was adopted.

Mr. Perkins moved to suspend the rule.

Lost.

A message was received from the House of Representatives, informing the Senate, that the House concurred in the amendments of the Senate to Preamble and Joint Resolution relative to the jurisdiction of the Territory of Santa Fe.

Mr. Clark, Chairman of the committee on the Judiciary, made the following report:

The Judiciary committee herewith return to the Senate a "joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law, restricting the United States District Court for the District of Texas from trying titles to land."

Mr. Clark, also, made the following report:

The Judiciary committee instruct me to return to the Senate the following bills, resolutions, &c.:

"A bill to be entitled an act to increase and more particularly describe the duties of Secretary of State."

"A bill to be entitled an act to regulate the proceedings on a trial of the right of property, seized by a sheriff, constable or other officer, by execution or otherwise, when the same may be claimed by a person not a party to said execution."

Sundry bills, amendatory of the law regulating proceedings in the District Courts.

"A bill to be entitled an act to regulate evidence in cases, where land is the object of controversy."

"A bill to be entitled an act to allow bonds, promissory notes, drafts and other claims for money against the estates of deceased persons to be used as set-offs, in law and in equity,



brought by executors or other representatives against the owners thereof."

"An act requiring all officers of this State to continue to perform the duties of their offices until their successors are elected and qualified according to law."

"A bill to be entitled an act to punish officers guilty of extortion."

Two "bills prescribing the times for holding the Courts in the Fifth Judicial District."

"A bill to be entitled an act to amend the second and third sections of the act concerning divorce and alimony, approved January 6th, 1841."

"A communication from the late Executive, in relation to a digest of the laws, by the Hon. A. Hutchinson, dated December 20th, 1847."

"An Executive communication under date of December 20th, 1847, in relation to suits pending in our own State and the United States' Courts, involving the validity of fraudulent land certificates."

"Report of the Attorney General, dated December 20th, 1847, accompanied by an Executive communication of the same date."

"A bill to be entitled an act to direct the Secretary of State to strike out certain words of the acts or resolutions passed at the present session of the Legislature."

"A report of the committee on "Private Lands," upon certain private relief bills."

EDWARD CLARK,  
Chairman.

A message was received from His Excellency, the Governor, presenting a communication in writing, which was read, and acted on in Executive session.

On motion of Mr. Bourland,

Joint resolution granting leave of absence to James B. Shaw, Comptroller of Public Accounts, for six weeks, during the year 1848, was taken up, and

Read first time.

On motion of Mr. Bourland,

The rule was suspended.

Read second time and passed to a third reading.

On motion of Mr. Bourland,



The rule was further suspended.

Bill read third time and passed.

On motion of Mr. Williamson,

A bill to be entitled an act, supplementary to an act, to provide for ascertaining the debt of the late Republic of Texas, was taken up, and

Read first time.

On motion of Mr. Williamson, the rule was suspended,

Bill read second time and passed to a third reading.

On motion of Mr. Cuny, the rule was further suspended,

Bill read third time and passed.

Mr. Cuny, by leave, introduced a bill to be entitled an act, supplementary to an act, making appropriations for the support of Government for the years 1848 and 1849.

Read first time.

On motion of Mr. Cuny, the rule was suspended, and

Bill read second time, and

On motion of Mr. Bourland,

The blank was filed with "one thousand."

The bill was then ordered to be engrossed.

On motion of Mr. Cuny,

The rule was further suspended, and

Bill read third time and passed, by the following vote:

YEAS—Messrs. Abbott, Brashear, Burleson, Cuny, Dancy, Grimes, Jewett, Fitzgerald, Navarro, Perkins, Wallace and Williamson—12.

NAYS—Messrs. Clark, Gage and McRae—3.

A committee from the House informed the Senate that the House would adjourn, *sine die*, at 12 o'clock, this night.

On motion of Mr. Perkins, the Resolution requiring the Secretary of the Senate to remain in charge of the papers and documents of the Senate for two weeks after the adjournment of the present Legislature, &c., was taken up.

Read and adopted.

Mr. Wallace moved to take up a bill to be entitled an act to provide for removing the Supreme Court to the town of Huntsville.

Upon which the yeas and nays were called, and stood as follows:



YEAS—Messrs. Clark, Gage, McRae, Parker and Wallace—5.

NAYS—Messrs. Bourland, Burleson, Cuny, Dancy Grimes, Jewett, Fitzgerald, Parker and Williamson—9.

Motion Lost.

On motion of Mr. Dancy,

A bill to be entitled an act to organize Justices' Courts, and define the powers and jurisdiction of the same, was taken up.

Read and passed to a third reading.

On motion of Mr. Dancy,

The rule was suspended.

Bill read third time and passed.

Mr. Gage offered the following resolution:

*Resolved*, That, by and with the concurrence of the House of Representatives, the resolution for adjournment "*sine die*" on Monday, the 20th instant, be hereby rescinded, and that the two Houses adjourn "*sine die*" on Tuesday, the 21st inst., at o'clock."

Upon the adoption of which the yeas and nays were called, and stood thus:

Yeas—Messrs. Clark, Dancy, Gage, Jewett and Parker—5.

Nays—Messrs. Abbott, Bourland, Brashear, Burleson, Cuny, Grimes, Fitzgerald, McRae, Navarro, Perkins, Wallace and Williamson—12.

Rejected.

A message was received from the House of Representatives, informing the Senate, that the House had passed a bill to be entitled an act, supplementary to an act, making appropriations for the support of the Government for the years 1848 and 1849, which originated in the Senate.

On motion of Mr. Jewett,

A bill to be entitled an act to authorize Robert H. Porter to construct a turnpike road, and establish a ferry on the Trinity river, at Porter's Bluffs, was taken up, and

Read first time.



Mr. Jewett moved to suspend the rule.

Lost.

On motion of Mr. Jewett,

A bill to be entitled an act to provide for the organization of new counties, was taken up.

Read, and passed to a third reading.

Mr. Abbott, chairman of the committee on Enrolled Bills, reported correctly enrolled—

"A joint resolution authorizing M. M. Potter to draw the mileage and per diem pay of the Hon. Richard Bache, Senator from Galveston county, deceased."

"An act to define the boundaries of Travis county."

A memorial to His Excellency, the President of the United States."

"An act concerning crimes and punishments."

"An act, supplementary to an act, making appropriations for the support of the Government for the years 1848 and 1849;" and that said acts and resolutions were transmitted to the Governor, on the 20th instant, for approval.

Mr. Williamson offered the following resolution :

"*Resolved*, That the Senate Chamber be appropriated to the use of the Supreme Court, during the recess of the Legislature, at such times as it may be in session."

Rejected.

On motion of Mr. Fitzgerald, the vote which refused to suspend the rule, that the bill to be entitled an act to apportion the Senators and Representatives of the Legislature, among the several counties of this State, might be read third time, was reconsidered.

On motion of Mr. Dancy, the vote which passed the bill to its third reading, was reconsidered.

On motion of Mr. Clark, the vote which adopted Mr. Perkins' amendment was reconsidered, by the following vote :

Yeas—Messrs. Bourland, Brashear, Clark, Dancy, Gage, Jewett, Fitzgerald, Parker and Wallace—9.



Nays—Messrs. Abbott, Burleson, Cuny, Grimes, McRae, Navarro, Perkins and Williamson—8.

Mr. Perkins moved to reconsider the vote which adopted Mr. Wallace's substitute.

Lost.

Mr. Jewett moved to reject the substitute.

Lost.

The question then recurred on Mr. Gage's substitute for 22d district.

Adopted.

Mr. Fitzgerald moved to amend by striking out "Santa Fe" and inserting "Starr, Webb and Cameron."

Upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Abbott, Bourland, Burleson, Cuny, Jewett, Fitzgerald, Navarro, Perkins and Williamson—9.

Nays—Messrs. Brashear, Clark, Dancy, Gage, Grimes, McRea, Parker and Wallace—8.

So the amendment was adopted.

Mr. Burleson moved to lay the bill upon the table.

Upon which the yeas and nays were called, and stood as follows:

Yeas—Messrs. Abbott, Bourland, Brashear, Burleson, Grimes and Navarro—6.

Nays—Messrs. Clark, Cuny, Dancy, Gage, Jewett, Fitzgerald, McRae, Parker, Perkins, Wallace and Williamson—11.

Motion to lay on the table lost.

Mr. Clark offered the following amendment:

"That Harrison and Panola counties form the fifth district."

Rejected.

Mr. Clark offered to amend as follows:

"That Harrison, Panola and Upshur form the sixth district."

Rejected.

Mr. Cuny moved the previous question.

Carried.

The bill then passed to a third reading.

Mr. Jewett moved to suspend the rule, that the bill might be read third time and passed.

Upon which the yeas and nays were called and stood thus:

YEAS—Messrs. Brashear, Burleson, Clark, Cuny, Dancy, Gage, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace and Williamson—14.



NAYS—Messrs. Abbott, Bourland and Grimes—3.

So the rule was suspended.

The yeas and nays were then called on the final passage of the bill, and stood as follows:

YEAS—Messrs. Brashear, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Wallace and Williamson—12.

NAYS—Messrs. Abbott, Bourland, Burleson, Clark and Perkins—5.

So the bill passed.

On motion of Mr. Jewett,

A bill to be entitled an act to provide for the organization of new counties, was taken up;

Read 2d time and passed to a third reading.

And on motion of Mr. Jewett,

The rule was suspended; bill read third time and passed.

A message was received from the House of Representatives, informing the Senate, that the House had adopted the substitute of the Senate for a bill to be entitled an act to apportion the Senators and Representatives of the Legislature among the several counties of this State.

The following communication was received and read:

Austin, March 20th, 1848.

Hon. J. A. GREER,

*President of the Senate:*

SIR:—I herewith tender my resignation as senator for the 19th Senatorial district of the State of Texas.

Yours Respectfully,

EDWARD FITZGERALD.

Mr. Cuny offered the following resolution:

“Resolved, That the thanks of the Senate are hereby unanimously tendered to the Presiding officer, the Hon. John A. Greer, for the very able efficient, dignified and impartial manner in which he has discharged the duties of his office, during



the long and very laborious session of the Senate, which is about to close."

Adopted.

The Journal was then read and adopted.

And on motion, the Senate adjourned *sine die*.

STATE LIBRARY

December 1st 1847

A message was received from the Executive, the Governor, presenting a communication in relation to the order of the day for the 1st of December, 1847, which was read and adopted.

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Executive Order

December 1st 1847

To the Honorable the Senate

I have the honor to say that the Commission of the Hon. James A. Smith, Esq., of the State of New York, has been appointed during the recess of the Senate, to fill the vacancy occasioned by the resignation of the Hon. John W. Smith, Esq.